

12/12/01  
JC914 U.S. PTO

12-18-01 A

Patent  
Attorney Docket: 270/138

12/12/01  
JC914 U.S. PTO

To: Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

### NEW APPLICATION TRANSMITTAL - UTILITY

Sir:

Transmitted herewith for filing is a **utility** patent application:

**Inventor(s):** Nicholas Donato, Sr., Nicholas Donato, Jr., David Sample, Margot Perez, John McMurray and Robert Newman

**Title:** METHOD OF ISOLATING EXTRACT FROM THE EUPHORBACIAE OBESA PLANT AND METHODS FOR USING THE SAME

**I. PAPERS ENCLOSED HEREWITH FOR FILING UNDER 37 CFR § 1.53(b):**

- 20 Page(s) of Written Description  
6 Page(s) Claims  
1 Page(s) Abstract  
10 Sheets of Drawings  Informal  Formal

**II. ADDITIONAL PAPERS ENCLOSED IN CONNECTION WITH THIS FILING:**

- Declaration  
 Power of Attorney  Separate  Combined with Declaration  
 Assignment to \_\_\_\_\_ and assignment cover sheet  
 Certified Copy of Priority Document No(s): \_\_\_\_\_  
 Information Disclosure Statement w/PTO 1449  Copy of Citations  
 Preliminary Amendment  
 Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
 Return Postcard  
 Other: \_\_\_\_\_

---

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL356083619US  
Express Mail Label No.

December 12, 2001  
Date of Deposit

Linda Johnson  
Name of Person Mailing Paper  
Linda Johnson  
Signature of Person Mailing Paper

**III. PRIORITY**

- Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119.

**IV. THE FILING FEE HAS BEEN CALCULATED AS SHOWN BELOW:**

- Applicant claims small entity status pursuant to 37 CFR § 1.27

<b>BASIC FILING FEE:</b>						\$740.00
Total Claims	58	-	20	=	38	x \$18.00
Independent Claims	2	-	3	=	0	x \$84.00
Multiple Dependent Claims	\$280	(if applicable)				\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>						\$1,424.00
Reduction by ½ for Filing by Small Entity, if applicable, as asserted above. Note 37 CFR §§ 1.9, 1.27, 1.28.						\$712.00
Misc. Filing Fees (Recordation of Assignment -- \$40)						\$0.00
<b>TOTAL FEES DUE HEREWITH</b>						\$712.00

**V. METHOD OF PAYMENT OF FEES**

- A check in the amount of \_\_\_\_\_.
- Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of **\$712.00**.
- This application is being filed without fee or Declaration under 37 CFR § 1.53.

**VI. AUTHORIZATION TO CHARGE FEES**

The Commissioner is authorized to credit any overpayment and to charge any underpayment to Lyon & Lyon's Deposit Account No. **12-2475** for the following:

- 37 CFR § 1.16 – **(Filing fees and excess claims fees)**
- 37 CFR § 1.17 – **(Any application processing fees)**
- 37 CFR § 1.21 – **(Assignment recording fees)**

Patent  
Attorney Docket: 270/138

**VII. CORRESPONDENCE ADDRESS**

Please send all correspondence to Customer Number 22249:



**22249**  
PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

Please direct all inquiries to Rita A. Abbati, at the above customer number, and direct all telephone calls to Rita A. Abbati at (858) 552-8400.

Respectfully submitted,

LYON & LYON LLP

Dated: December 12, 2001

By: Rita Abbati

Rita A. Abbati  
Reg. No. P-50,715

Patent  
Attorney Docket: 270/138

PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>		First Named Inventor	Nicholas Donato, Sr. et al.
		Title	Method of Isolating Extract From the Euphorbaciae Obesa Plant and Methods For Using the Same
		Atty Docket Number	270/138

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 12, 2001

Date



Signature

Rita A. Abbati, Reg. No. P-50,715

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231